

10/RW
11.20.02

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-703-872-9306 on November 6, 2002.

PATENT
Attorney Docket No.: 15270J-004761US
Client Ref. No.: 209-US-CIP8BC1

TOWNSEND and TOWNSEND and CREW LLP

By: Rosemarie L. Celli

Rosemarie L. Celli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DALE B. SCHENK et al.

Application No.: 09/724,552

Filed: November 28, 2000

For: PREVENTION AND TREATMENT
OF AMYLOIDOGENIC DISEASE

Examiner: Sharon L. Turner

Art Unit: 1647

RESPONSE TO
RESTRICTION/ELECTION
REQUIREMENTAssistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is submitted in response to the Restriction Requirement mailed May 6, 2002. Applicant submits herewith a Petition for an Extension of time from June 6, 2002 to November 6, 2002.

In response to the restriction requirement, Applicant elects Group III, claims 47 and 67-68. In response to the election of species requirement, Applicant elects Group 1B, humanized antibodies; Group 2B, monoclonal antibodies; and, Group 3E, antibodies that bind to an epitope within residues 3-7 of the A β peptide is moot.

The election of species requirement with regard to Group 3 is respectfully traversed on the basis that although the designated species may be patentably distinct they are not mutually exclusive. MPEP 806.04(f) specifies that "[c]laims to be restricted

PATENT

DALE B. SCHENK et al.
Application No.: 09/724,552
Page 2

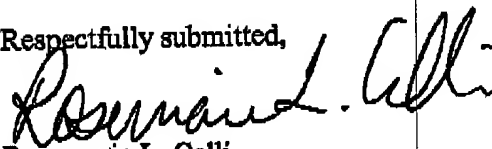
to different species must be mutually exclusive." The species recited by the office action are not mutually exclusive, for example, antibodies that bind to an epitope within residues 1-7 of the A β peptide may include, and are not limited to, e.g.:

1. Antibodies that bind to an epitope within residues 1-6 of the A β peptide;
2. Antibodies that bind to an epitope within residues 1-5 of the A β peptide; and,
3. Antibodies that bind to an epitope within residues 1-4 of the A β peptide.

Because the Group 3 election of species requirement requires election between non-mutually exclusive species, it is submitted that it should be withdrawn.

Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,


Rosemarie L. Celli
Reg. No. 42,397

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 650-326-2422
RLC:lah
PA 3262942 v1